

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

**OPTIS WIRELESS TECHNOLOGY, LLC,
OPTIS CELLULAR TECHNOLOGY, LLC,
UNWIRED PLANET, LLC, UNWIRED
PLANET INTERNATIONAL LIMITED, AND
PANOPTIS PATENT MANAGEMENT, LLC,**

Plaintiffs,

v.

APPLE INC.,

Defendants

Civil Action No. 2:19-cv-66-JRG

JURY TRIAL

**PLAINTIFFS' RESPONSE TO DEFENDANT APPLE INC.'S
MOTION TO DISMISS COUNT VIII OF PLAINTIFFS' COMPLAINT
FOR LACK OF SUBJECT MATTER JURISDICTION (DKT 16)**

Plaintiffs OPTIS WIRELESS TECHNOLOGY, LLC, OPTIS CELLULAR TECHNOLOGY, LLC, UNWIRED PLANET, LLC, UNWIRED PLANET INTERNATIONAL LIMITED, AND PANOPTIS PATENT MANAGEMENT, LLC, file the following in response to Defendant Apple Inc.'s Motion to Dismiss Count VIII of Plaintiffs' Complaint for Lack of Subject Matter Jurisdiction:

1. On February 25, 2019, Plaintiffs filed an Original Complaint and Jury Demand against the Defendant. (Dkt 1).
2. On April 22, 2019, the Defendant filed a Motion to Dismiss Count VIII of Plaintiffs' Complaint for Lack of Subject Matter Jurisdiction. (Dkt 16).

3. On April 26, 2019 Plaintiffs filed an unopposed motion to extend the time to respond to Apple's Motion to Dismiss. (Dkt 23). The court granted that motion and extended Plaintiffs time to respond up to and including May 14, 2019. (Dkt 24).

4. Plaintiffs subsequently filed their First Amended Complaint on May 13, 2019, (Dkt 26), therefore mooted Apple's Motion to Dismiss.

5. The parties agree that Apple's Motion to Dismiss (Dkt 16) is moot as to Plaintiffs' Original Complaint (Dkt 1), and accordingly it is not necessary for Plaintiffs to file a substantive response.

Dated: May 14, 2019.

/s/ Kevin L. Burgess

Kevin L. Burgess – Lead Counsel
Texas State Bar No. 24006927
kburgess@McKoolSmith.com
Steve J. Pollinger
Texas State Bar No. 24011919
spollinger@McKoolSmith.com
Christine M. Woodin
Texas State Bar No. 24100051
cwoodin@McKoolSmith.com
McKool Smith, P.C.
300 W. 6th Street Suite 1700
Austin, TX 78701
Telephone: (512) 692-8700
Telecopier: (512) 692-8744

Mike McKool
Texas State Bar No. 13732100
mmckool@McKoolSmith.com
Theodore Stevenson, III
Texas State Bar No. 19196650
tstevenson@mckoolsmith.com
Holly E. Engelmann
Texas State Bar No. 24040864
hengelmann@mckoolsmith.com
McKool Smith, P.C.
300 Crescent Court, Suite 1500
Dallas, TX 75201
Telephone: (214) 978-4000
Telecopier: (214) 978-4044

Samuel F. Baxter
Texas State Bar No. 1938000
sbaxter@McKoolSmith.com
Jennifer Truelove
Texas State Bar No. 24012906
jtruelove@McKoolSmith.com
McKool Smith, P.C.
104 E. Houston Street, Suite 300
Marshall, TX 75670
Telephone: (903) 923-9000
Telecopier: (903) 923-9099

Jason Sheasby (pro hac vice)
jsheasby@irell.com
Hong Zhong, PhD
hzhong@irell.com
Elliot Z. Chen (pro hac vice)
echen@irell.com
IRELL & MANELLA LLP
1800 Ave of the Stars, Suite 900
Los Angeles, CA 90064
Telephone: (310) 203-7096
Facsimile: (310) 203-7199

Ingrid M. Haslund Petersen (pro hac vice)
ipetersen@irell.com
IRELL & MANELLA LLP
840 Newport Center Dr., Suite 400
Newport Beach, CA 92660
Telephone: (949) 760-0991
Facsimile: (949) 717-6359

**ATTORNEYS FOR PLAINTIFFS
OPTIS WIRELESS TECHNOLOGY,
LLC, OPTIS CELLULAR
TECHNOLOGY, LLC, AND PANOPTIS
PATENT MANAGEMENT, LLC**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document has been served on all counsel of record via the Court's ECF system on May 14, 2019.

/s/ Kevin L. Burgess
Kevin L. Burgess

CERTIFICATE OF CONFERENCE

The undersigned hereby certifies that counsel for Plaintiffs have conferred with counsel for Defendant, and Defendant does not oppose this Motion.

/s/ Jennifer Truelove
Jennifer Truelove